

Amend Subsection (b)(212) of Section 7.50
Title 14, California Code of Regulations
Re: Sport Fishing Regulations, Yuba River, from Mouth to Englebright Dam

As part of this regulatory process in the Fall of 2001, the Department proposed two regulatory alternatives which would provide these protections. The first was simplified and allowed no harvest of salmon (zero bag limit). The second was more complex but would have allowed the harvest of salmon below Daguerre Point Dam during specific times.

The Commission adopted the simpler regulation alternative as recommended by the Department.

It has now come to the Department's attention that the angling public in the local area may have been misinformed and/or confused regarding which alternative the Department was recommending for adoption. Some anglers thought they would retain the opportunity to harvest salmon during at least a portion of the year.

In order to provide the angling public with the opportunity to provide additional public comment and recommendations on this issue, the Department is asking the Commission to re-notice this regulatory issue and receive additional public input. This way those who favor being able to keep salmon during the specified times of the year will be able to speak.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, 205, 215, 220, 240 and 315, Fish and Game Code.

Reference: Sections 200, 205, 206 and 215, Fish and Game Code.

- (c) Specific Technology or Equipment Required by Regulatory Change:
None
- (d) Identification of Reports or Documents Supporting Regulation Change:
None were identified.
- (e) Public Discussions of Proposed Regulations Prior to Notice publication:
March 8, 2002 in San Diego.

IV. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change: No alternatives were identified.
- (b) No Change Alternative: If no change is adopted, local anglers and businesses will be impacted due to the lack of an opportunity to harvest salmon during a portion of the year.
- (c) Consideration of Alternatives: In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The regulation change may have a positive financial benefit on a small number of local businesses.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed change may have a positive financial effect on some local businesses.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

Informative Digest/Policy Statement Overview

Current sport fishing regulations (subsection (b)(212) of Section 7.50, Title 14, CCR), as adopted by the Commission at its December 7, 2001 meeting, for the Yuba River from the mouth to Englebright Dam, establish open fishing seasons, restrict gear to only artificial lures with barbless hooks, and do not allow the harvest of any salmon (only catch-and-release fishing for salmon). The proposed change would allow anglers to harvest daily up to two salmon from the mouth to Daguerre Point Dam between January 1 and February 28 and between August 1 and October 15.

As part of its regular review of the State's sport fishing regulations, the Commission adopted changes to the sport fishing regulations for the Yuba River at its December 7, 2001 meeting. The changes were intended to reduce incidental mortalities to steelhead by prohibiting the use of bait and to protect spring-run chinook salmon through fishing season closures and bag limit reductions.

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